

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANDRE LEWIS, :
Plaintiff, :
v. : Case 3:18-cv-138-KRG-KAP
S.C.I. HOUTZDALE, et. al, :
Defendants :

Memorandum Order

This matter has been referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636 and Local Civil Rule 72.

The Magistrate Judge filed a Report and Recommendation on October 5, 2018, ECF no. 6, recommending that the complaint be dismissed in part for failure to state a claim, with leave to amend.

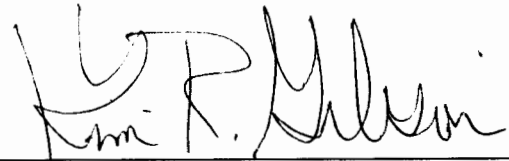
The plaintiff was notified that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file an amended complaint, written objections to the Report and Recommendation, or both. Plaintiff filed a pleading styled "Report and Recommendation" at ECF no. 8 that can be considered as objections and as an amended complaint.

After *de novo* review of the record of this matter, the Report and Recommendation, and the pleading at ECF no. 8, the following order is entered:

AND NOW, this 17th day of January, 201~~8~~⁹, it is

ORDERED that the complaint is dismissed for failure to state a claim as to all defendants except defendant Harker, as recommended in the Report and Recommendation at ECF no. 6, which is adopted as the opinion of the Court. The operative complaint for service is the Complaint at ECF no. 7 as amended by the pleading styled "Report and Recommendation" at ECF no. 8. The matter remains with the Magistrate Judge for further proceedings.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Andre Lewis MW-5092
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000